

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

SHIRLEY A. CARDENAS,)
Plaintiff,)
v.) Case No. CIV-05-1313-L
JO ANNE B. BARNHART,)
Commissioner of the Social Security)
Administration,)
Defendant.)

ORDER

On June 5, 2006, Magistrate Judge Gary M. Purcell entered a Report and Recommendation in this action brought by plaintiff pursuant to 42 U.S.C. §405(g) for judicial review of the defendant Commissioner of the Social Security Administration's (Commissioner's) final decision denying plaintiff's concurrent applications for disability insurance and supplemental security income benefits under Titles II and XVI of the Social Security Act, 42 U.S.C. §§ 416(l), 423 1382. The Magistrate Judge recommended that the decision of the defendant Commissioner be affirmed.

The court file reflects that plaintiff filed timely Objections to the Magistrate's Recommendation which the court has carefully considered. Plaintiff's objections focus on alleged errors of law or fact in the Report and Recommendation. Upon

de novo review, however, the court finds that the the Report and Recommendation should be and is hereby adopted in its entirety. The Magistrate Judge properly found that there is substantial evidence to support the ALJ's finding that plaintiff did not meet the criteria of Listing 1.04. The court rejects plaintiff's argument that the Magistrate engaged in *post hoc* justification of the ALJ's credibility findings since the court agrees with the broader conclusion of the Magistrate Judge that the ALJ's findings regarding credibility were well supported by the record.

Accordingly, the decision of the Commissioner to deny plaintiff's applications for disability insurance and supplemental security income benefits is

AFFIRMED.

It is so ordered this 28th day of June, 2006.


TIM LEONARD
TIM LEONARD
United States District Judge